

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/30/2009 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 02/27/2009 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fu et al. (US Patent 6,882,793 – hereinafter Fu), Strubbe et al. (US Patent 5,047,867 – hereinafter Strubbe), and Morgan et al. (US Patent 5,218,672 – hereinafter Morgan).**

Regarding claim 1, Fu discloses a picture material editing apparatus comprising: an input selection circuit configured to input multiple picture materials from multiple

sources ("Input Module 102" in Fig. 2A); a picture material switching circuit including a switcher control circuit connected to a switcher operation console (Fig. 2A – wherein the switcher operation console corresponds to either the digitization control module 110 or quality/content monitoring module 112); said picture material switching circuit configured to perform a switcher function of switching and outputting multiple picture materials at an arbitrary timing (column 5, lines 18-33, 40-61); and an edit list creation circuit (column 7, lines 8-11; column 19, lines 18-21; column 7, lines 4-5); said edit list creation circuit creating an edit list based on an operation history of switching operations for switching the multiple picture materials with the switcher function for generation of edited picture data immediately after the video is input (column 7, lines 8-11; column 19, lines 18-21; column 7, lines 4-5).

However, Fu does not disclose the input stream is from a live broadcast; the picture material switching circuit including a control section connected to the switcher control circuit; and the edit list creation circuit including an edit operation console and said control section.

Strubbe discloses the input stream is from a live broadcast (Fig. 2; column 3, lines 19-34).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate taking a live broadcast as input stream disclosed by Strubbe into the picture material editing apparatus disclosed by Fu to extend the sources of input signals for the apparatus in order to receive, edit, and record favorite broadcast programs.

However, Fu and Strubbe do not disclose the picture material switching circuit including a control section connected to the switcher control circuit and a switcher operation console; and the edit list creation circuit including an edit operation console and said control section (*Fig. 2; column 2, line 45 – column 3, line 2*).

Morgan discloses a picture material switching circuit including a control section connected to the switcher control circuit and a switcher operation console (*Fig. 2; column 2, line 45 – column 3, line 2*); and an edit list creation circuit including an edit operation console and said control section (*Fig. 2; column 2, line 45 – column 3, line 2*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Morgan into the picture material editing apparatus disclosed by Fu and Strubbe in order to provide a user-friendly interface so that user can conveniently edit the contents (*Morgan, column 2, lines 62-65*).

Regarding claim 2, Fu also discloses the edit list creation circuit creates the edit list almost simultaneously with the switching operation for switching the multiple picture materials by using the switcher function (*column 7, lines 8-11; column 19, lines 18-21*).

Regarding claim 3, Fu also discloses the edit list creation circuit creates the edit list based on the kind of special effect specified when the picture materials are switched and various setting information is provided for the kind of special effect specified in addition to the switching operation (*column 7, lines 8-11; column 19, lines 18-22*).

Regarding claim 4, Fu et al. also disclose when the picture material switching circuit executes edit processing of connecting highlight scenes of the multiple picture materials as the switching operation, the edit list creation circuit creates a digest-version

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edit list corresponding to the edit processing (*column 17, lines 20-33; column 19, lines 9-22*).

Claim 5 is rejected for the same reason as discussed in claim 1 above.

Claim 6 is rejected for the same reason as discussed in claim 2 above.

Claim 7 is rejected for the same reason as discussed in claim 3 above.

Claim 8 is rejected for the same reason as discussed in claim 4 above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621